

**DURHAM, NORTH CAROLINA  
MONDAY, MARCH 19, 2001  
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Absent: None.

Also present: Interim City Manager Greg Bethea, City Attorney Henry Blinder, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Tennyson called the meeting to order and at that time Council Member Langley thanked the brother-in-law of Police Officer Reginald Fountain for donating him a kidney.

Council Member Larson read a "Resolution Memorializing Timothy J. Harrell."

Mayor Tennyson asked for priority items. There were no priority items from the City Manager or City Attorney.

City Clerk D. Ann Gray informed Council that a valid protest petition was filed against GBA Item #6 [Zoning Case: P00-67 - Rhein Interests].

Mayor Tennyson noted revisions to the Consent Agenda made at the Committee-of-the-Whole Meeting. Mayor Tennyson asked if any citizen(s) or council member(s) wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting.

Council Member Blyth pulled Consent Agenda Item #6 [Official Minutes And General Account Of Closed Sessions Of City Council].

Mayor Pro Tempore Clement pulled Consent Agenda Item #12 [Status Report On Apex Street Bridge].

**MOTION** by Council Member Larson seconded by Council Member Jacobs to approve the Consent Agenda as amended was approved at 7:06 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**[CONSENT AGENDA]**

**SUBJECT: HUMAN RELATIONS COMMISSION APPOINTMENT**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to appoint **Brenda Howerton**, Minority Member, to the Human Relations Commission--term to expire June 30, 2001 was approved at 7:06 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor

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Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: MINORITY/WOMEN BUSINESS ENTERPRISE ADVISORY COMMITTEE APPOINTMENT**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to appoint **Yvette Bonaparte** to the Minority/Women Business Enterprise Advisory Committee--term to expire December 15, 2002 was approved at 7:06 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: PROPOSED DONATION OF SURPLUS WINTER HOLIDAY DECORATIONS - TOWN OF CLARKTON, BLADEN COUNTY, NORTH CAROLINA**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to authorize the donation of surplus winter holiday decorations to the Town of Clarkton, Bladen County, North Carolina was approved at 7:06 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: LEAD-BASED PAINT REDUCTION GRANT PROJECT ORDINANCE AMENDMENT - DEPARTMENT OF COMMERCE DIVISION OF COMMUNITY ASSISTANCE**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt a "Grant Project Ordinance Amending Ordinance #11382 N.C. Department of Commerce Division of Community Assistance Lead-Based Paint Reduction" extending the time period from August 13, 1997 through June 30, 2001 was approved at 7:06 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**Ordinance #12252**

**SUBJECT: SUBRECIPIENT GRANT AGREEMENT WITH DURHAM COUNTY HABITAT FOR HUMANITY - ELLERBEE STREET EXTENSION**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to rescind the April 17, 2000 City Council authorization for the Subrecipient Agreement in the amount of \$190,000, and to authorize the City Manager to execute a Community Development Block Grant (CDBG) Subrecipient Agreement and related documents with Durham

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County Habitat for Humanity, Inc. in an amount not to exceed \$240,000 for construction of Ellerbee Street Extension; and

To authorize the City Manager to make minor changes to the Subrecipient Grant Agreement as are consistent with the grant terms and the CDBG regulations as published by the U.S. Department of Housing and Urban Development was approved at 7:06 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: PRELIMINARY PLAT/SITE PLAN APPROVAL - KENMAR**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to approve a preliminary plat/site plan for Kenmar, submitted by Ballentine Associates, P.A., on behalf of Homescape Development Company, Inc., for 54 single-family lots on a ±19.17 acre site zoned PDR 2.74 and located at the north end of Kemmont Road and the west end of Middleton Drive, north of Carpenter Fletcher Road (Tax Map #552-1-12; PIN #0729-04-72-7418; and City Atlas Page 43, C-3, C-4, D-3 and D-4) was approved at 7:06 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: PRELIMINARY PLAT/SITE PLAN APPROVAL - CARDINAL LAKE**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to approve a preliminary plat/site plan for Cardinal Lake, submitted by Withers & Ravenel Engineering & Surveying, Inc., on behalf of First American Land, for 288 single-family lots and 122 townhomes (for sale) on a ±140.70 acre site zoned PDR 2.98, RD and F/J-B and located on the west side of Fletcher's Chapel Road, southeast of Medallion Road and north of Brightwood Lane at Lake Unity (Tax Map #706-1-10, 11 [part] and 11A; PIN #0852-03-33-7552 [part], #0852-03-43-2962 and #0852-04-54-8109; and City Atlas Page 20, C-1 and D-1 and Page 26, B-4 and C-4). (Special conditions and limitations to be noted on Site Plan and included in homeowner's documents) was approved at 7:06 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: SITE PLAN APPROVAL - NORTHPOINTE, PHASE 3**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to approve a site plan for Northpointe, Phase 3, submitted by Philip Post & Associates on behalf of Northpointe Development

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Associates, L.P., consisting of 127,996 square feet of retail space in one building on a lot totaling 14.341 acres, zoned GC(D) and F/J-B and located at the southwest corner of Northpointe Drive and Broad Street (Tax Map #303-1-1; PIN #0822-07-59-4622; and City Atlas Page 17, B-2 and C-2) was approved at 7:06 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: SITE PLAN APPROVAL - NEW HOPE COURT, PHASE II**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to approve a site plan for New Hope Court, Phase II, submitted by RL Horvath Associates, Inc. on behalf of GAR, Inc., consisting of one two-story and two one-story office condominium buildings on a 1.57 acre tract, zoned OI-2(D); F/J-B and located on the northeast corner of N.C. Highway 54 and Biscayne Drive, west of Dresden Drive (Tax Map #428-03-006; PIN #0718-01-09-1271; and City Atlas Page 42, A-2) was approved at 7:06 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: LICENSE AGREEMENT WITH AUBURN OWNERS' ASSOCIATION, INC.  
- WOODCROFT PARKWAY**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute a License Agreement with Auburn Owners' Association, Inc. to allow the installation of landscaping within the right of way of Woodcroft Parkway was approved at 7:06 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: UPPER WARREN CREEK TRAIL, PHASE I - CONSTRUCTION (.6  
MILES FROM WHIPPOORWILL PARK TO HORTON ROAD) - WHITE OAK  
CONSTRUCTION CORP., NC**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to enter into a contract with White Oak Construction Corp., NC in the amount of \$459,500, with a contingency of \$50,000, for the Upper Warren Creek Trail, Phase I -Construction; and

To authorize the City Manager to make changes to the contract prior to execution providing the changes do not increase the compensation to be paid by the City and do not decrease the goods and services to be provided to the City was approved at 7:06 p.m.

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by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: CONTRACT EXTENSION - AUCTIONEERING SERVICES - WESTER AUCTION & REALTY**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to extend the contract with Wester Auction & Realty in the sum of 5.45% of the gross sales for auctioneering services for the 2001 annual City auction; and

To authorize the City Manager to enter into a contract with Wester Auction & Realty in the sum of 5.45% of the gross sales for auctioneering services for the 2001 annual City auction; and

To authorize the City Manager to modify the contract before execution provided that the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the existing version of the contract; and

To adopt a "Resolution Authorizing the Annual City Auction" to be held on Saturday, September 8, 2001 at 10:00 a.m., at the City of Durham Fleet Maintenance Facility located at 1900 Camden Avenue was approved at 7:06 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**Resolution #8741**

**SUBJECT: BIDS - 61 NOTEBOOK COMPUTERS - DELL MARKETING, L.P.**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to accept the bid from Dell Marketing, L.P. in the amount of \$120,292 for providing the City with 61 notebook computers; and

To waive the requirement for a Performance Bond; and

To authorize the City Manager to enter into a contract with Dell Marketing, L.P. in the amount of \$120,292 for providing the City with 61 notebook computers; and

To authorize the City Manager to modify the contract before execution provided that the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the existing version of the contract was approved at 7:06 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

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**SUBJECT: SETTING PUBLIC HEARINGS FOR THE CONFIRMATION OF ASSESSMENT ROLLS**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt resolutions setting public hearings for April 2, 2001 for confirmation of the following assessment rolls was approved at 7:06 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

- a. **Sewer Main - East Rockway Street** from south property line of Tax Map 740-2-5 to south property line of Tax Map 740-1-7;
- b. **Water Main - East Geer Street** from end of water main to Red Mill Road and **Red Mill Road** from East Geer Street to Gorman Church Road; and
- c. **Sewer Main - East Rockway Street** from south property line of Tax Map 740-2-5 to north property line of Tax Map 740-2-3.

**SUBJECT: WATER MAIN - ARDEN LANE FROM ROLLING PINES AVENUE TO EAST PROPERTY LINE OF TAX MAP 646-8-1 - SETTING PUBLIC HEARING TO CONSIDER ORDERING THE IMPROVEMENT**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to accept a Certificate of Sufficiency from the Manager of Engineering for the petition for water main on Arden Lane from Rolling Pines Avenue to east property line of Tax Map 646-8-1; and

To adopt a resolution setting a public hearing on Monday, April 2, 2001 to consider ordering the improvement was approved at 7:06 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: TWENTY-FIVE MILE PER HOUR SPEED LIMIT - COMFORT LANE**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance authorizing a speed limit of 25 mph on Comfort Lane from Neal Road to end of City maintenance was approved at 7:06 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**Ordinance #12253**

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**SUBJECT: STOP SIGNS - AUBURN VILLAGE**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:06 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

- 1) Woodcroft Parkway at Barbee Road, northeast and southwest corners;
- 2) Auburn Village Drive at Barbee Road, northeast corner;
- 3) Pebble Creek Crossing at Woodcroft Parkway, southeast corner;
- 4) Pebble Creek Crossing at Auburn Village Drive, northwest and southeast corners;
- 5) Mallory Lane at Auburn Village Drive, northeast and southwest corners; and
- 6) Mallory Lane at Pebble Creek Parkway, northeast and southwest corners.

**Ordinance #12254**

**SUBJECT: STOP SIGN - CARPENTER FLETCHER ROAD**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance authorizing the installation of a stop sign on Carpenter Fletcher Road at Woodcroft Parkway, southwest corner was approved at 7:06 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**Ordinance #12255**

**SUBJECT: STOP SIGNS - CHANCELLOR'S RIDGE**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:06 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

- 1) Marist Court at Chancellor's Ridge Drive, southeast corner; and
- 2) Couch Terrace at Chancellor's Ridge Drive, southeast corner.

**Ordinance #12256**

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**SUBJECT: STOP SIGN - SOUTHPOINT**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance authorizing the installation of a stop sign on Renaissance Parkway at Fayetteville Road, northwest corner was approved at 7:06 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**Ordinance #12257**

**SUBJECT: STOP SIGN - THORNWOOD DRIVE**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance authorizing the installation of a stop sign on Thornwood Drive at Grandview Drive, northeast corner was approved at 7:06 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**Ordinance #12258**

**SUBJECT: PARKING PROHIBITION - OVERLOOK AVENUE**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance to prohibit parking at any time on the north side of Overlook Avenue between High Meadow Road and Fox Hunt Street was approved at 7:06 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**Ordinance #12259**

**[GENERAL BUSINESS AGENDA]**

**[PUBLIC HEARINGS]**

**SUBJECT: WATER MAIN ON JEAN AVENUE FROM CAVALIER AVENUE TO CHAPEL HILL ROAD**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt a resolution confirming the assessment roll for water



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main on Jean Avenue from Cavalier Avenue to Chapel Hill Road was approved at 7:07 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: PROPOSED ZONING ORDINANCE AMENDMENTS CONCERNING BICYCLE PARKING FACILITIES**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Jacobs to receive a report from Staff concerning proposed amendments to Section 9 of the Zoning Ordinance ("Standards for Parking, Loading, Sidewalk and Trash Handling Facilities") to include requirements for bicycle parking facilities; and

To receive citizens' comments on the proposed amendments; and

To adopt "An Ordinance Amending Section 9 of the Durham Zoning Ordinance to Include Requirements for Bicycle Parking Facilities and Standards for Those Facilities" was approved at 7:08 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**Ordinance #12260**

**SUBJECT: PLAN AMENDMENT A01-01 - PROPOSED SOUTH DURHAM FUTURE LAND USE - PUBLIC COMMENT**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Sandra Alston, President of Fisher Heights Neighborhood, noted that she was glad to receive a letter from staff concerning this matter, thanked Mr. Pickett for his cooperation in helping the neighborhood and T. E. Austin, of the Planning staff for answering the question -- was there a mistake made in the zoning. She requested that the area still be monitored if any commercial development comes in the area.

Mayor Tennyson closed the public hearing.

Council Member McKissick asked staff to explained what happened with this issue.

T. E. Austin, of City/County Planning Department, made comments

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relative to the request for a rezoning on Cook Road [3 lots over .2 acres], the two versions of the map in which something happened and two pieces of property did not show the correct land use, and the City council resolution amending plan.

Council Member McKissick asked staff what is the policy for contacting individuals with a post office box.

T. E. Austin, of City/County Planning Department, noted that the GIS system lists both addresses [post office box and street] and it depends on which one is listed first.

Council Member McKissick asked staff to review the process to make sure citizens receive their notice at a post office box if it is listed.

**MOTION** by Council Member Larson seconded by Council Member Jacobs to receive a report from Staff on Plan Amendment A01-01, proposed South Durham Future Land Use; and

To receive citizens' comments on the proposed Plan Amendment; and

To adopt the "City Council Resolution Amending South Durham Plan Case A01-01" was approved at 7:19 p.m. by the following vote:  
Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**Resolution #8742**

**SUBJECT: ZONING CASE: P00-41 - LODGE AMERICA/ANDREW SHIPP - 8.763 ACRES AT 7906 NC 751 HIGHWAY--ON THE WEST SIDE OF THE HIGHWAY, APPROXIMATELY 700 FEET SOUTH OF NC 751/I-40 INTERCHANGE**

Case: P00-41--Continued from the December 18, 2000

**City Council Meeting**

Applicant: Lodge America/Andrew Shipp

Location: 8.763 acres at 7906 NC 751 Highway--on the west side of the highway, approximately 700 feet south of NC 751/I-40 interchange

Request: Rezoning from RD (Rural District) to OI-2(D) (General Office and Institutional District with a Development Plan) and NC(D) (Neighborhood Commercial District with a Development Plan); F/J-B and MTC

Zoning Committee's Recommendation and Vote: Approval (7-0)

Planning Department's Recommendation: Approval

Mayor Tennyson re-opened the public hearing.

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**Proponent**

Attorney Jack Markham, representing the applicant, spoke in support of this rezoning. He urged Council to approve the request.

No one spoke in opposition to the rezoning.

Mayor Tennyson closed the public hearing.

Council Member McKissick expressed concern with the development plan not indicating the traffic/roadway improvements as outlined in the TIA staff report [Summary of Roadway Improvements].

Staff responded to the concern later in the discussion.

Council Member McKissick asked the applicant about the design details.

Attorney Jack Markham, replied at this point there aren't any; however, we have committed to design the project in conjunction with the property to the north -- Lee Moore Oil Company property.

Council Member McKissick asked the applicant if this is noted.

Attorney Jack Markham, representing the applicant, noted he believes it is not on the plans, but he would commit to that.

Relative to Council Member McKissick roadway improvement concerns, Mark Ahrendsen, Transportation Manager, made comments about notes 17 and 18 on the development plan. He noted that the necessary improvements associated with this development would be addressed at the site plan stage.

Council Member McKissick noted that he would like a more explicit note like in the staff report and asked the developer if he would have any objections.

Andy Shipp, representing the developer, offered to use the language in the staff report that reads "should development of the subject property occur prior to completion of improvements committed by others, additional improvements may be required at the site plan stage."

Council Member Blyth asked staff who would be responsible for the cost of the off-site water and sewer extensions.

Katie Kalb, Public Works Director, replied the developer.

Council Member Blyth raised several concerns concerning the development plan [Note 11 on the small development plan is shown as an example of a possible layout for the site and is not a final site design] and 50' foot buffer.

Norman Standerfer, City/County Planning Director, summarized the

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ordinance relative to the development plan concerns.

Tim Michaels, representing John McAdams Company, commented on the bio-retention design relative to the 50' buffer concern.

For clarification, Norman Standerfer, City/County Planning Director, noted that staff will make sure all requirements are met in the ordinance.

Council held discussion on the notes on the development plan, landscape buffer, building and parking lot layout (note 11), buffer and bio-retention filter.

**MOTION** by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of RD and placing same in and establishing same as OI-2(D) and NC(D); F/J-B and MTC; and

To direct staff to include the note on the development plan offered by the applicant stating "should development of the subject property occur prior to completion of improvements committed by others, additional improvements may be required at the site plan stage" was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: ZONING CASE: P00-78 - CITY OF DURHAM - 52.48 ACRES  
LOCATED ON THE EAST SIDE OF GUESS ROAD, NORTH OF LATTA  
ROAD**

Case: P00-78 - Initial Zoning of Newly Annexed Territory

Initiated by: City of Durham

Location: 52.48 acres located on the east side of Guess Road, north of Latta Road (City Atlas Page 7, A-3 and A-4)

Request: RD (Rural District) - Initial zoning of property newly annexed into the City. Existing zoning is RD. **(Also See Case P00-67)**

Zoning Committee's Recommendation and Vote: Approval (7-0)

Planning Department's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, to establish RD

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City Zoning for the above described newly annexed property was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: ZONING CASE: P00-67 - RHEIN INTERESTS - 101.23 ACRES ON THE EAST SIDE OF GUESS ROAD NORTH OF LATTA ROAD ON THE NORTH SIDE OF CROOKED CREEK --INCLUDES AN UNDEVELOPED PORTION OF THE DOVER RIDGE SUBDIVISION**

Case: P00-67

Applicant: Rhein Interests

Location: 101.23 acres on the east side of Guess Road north of Latta Road on the north side of Crooked Creek --includes an undeveloped portion of the Dover Ridge Subdivision (City Atlas Page 7, A-4 and A-3)

Request: Rezoning from RD (Rural District) and PDR 2.11 (Planned Density Residential District with a maximum of 2.11 units per acre) to PDR 2.3 (Planned Density Residential District with a maximum of 2.3 units per acre) and E-B (Eno-Basin)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of RD and PDR 2.11 and placing same in and establishing same as PDR 2.3; E-B.

Zoning Committee's Recommendation and Vote: Denial (5 against and 2 in favor)

Planning Department's Recommendation: Approval

Mayor Tennyson noted there was a sufficient protest petition filed against this rezoning.

Attorney Jack Markham, representing the developer, requested a 60-day deferral.

Due to citizens being present to speak against this rezoning, Mayor Pro Tempore Clement spoke in support of opening the public hearing.

Several Council Members spoke in opposition to opening the public hearing noting the site plan before the Council now may be different in 60 days.

**MOTION** by Council Member Blyth seconded by Council Member Larson to defer this item until the May 21, 2001 City Council Meeting was approved at 7:48 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

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**SUBJECT: ZONING CASE: P00-88 - PICKETT ENTERPRISES - .201 ACRE  
LOCATED AT 100 AND 108 COOK ROAD**

Case: P00-88

Applicant: Pickett Enterprises

Location: .201 acre located at 100 and 108 Cook Road (City Atlas  
Page 37, C-3 and D-3)

Request: Rezoning from R-8 (Residential 8) District to NC  
(Neighborhood Commercial) District

Zoning Committee's Recommendation and Vote: Approval (6 in favor  
and 1 against)

Planning Department's Recommendation: Approval

As this was the time and place set for the public hearing, anyone  
interested was given the opportunity to be heard.

### **Proponent**

Attorney Kenneth Spaulding, representing the applicant, spoke in  
support of this rezoning noting all properties are cleared and  
this rezoning conforms to the South Durham Plan and 2020 Plan.  
He urged Council to support this rezoning.

No one spoke in opposition to this rezoning.

Mayor Tennyson closed the public hearing.

**MOTION** by Council Member Larson seconded by Mayor Pro Tempore  
Clement to adopt an ordinance amending the Zoning Ordinance, the  
same being Chapter 24 of the Durham City Code, by taking the above  
described property out of R-8 and placing same in and establishing  
the same as NC was approved at 7:50 p.m. by the following vote:  
Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council  
Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley,  
Larson, McKissick, Stith and Wagstaff. Noes: None. Absent:  
None.

**SUBJECT: ZONING CASE: P00-89 - R. L. HORVATH (CHANCELLOR'S RIDGE)  
15.01 ACRE PORTION OF 173 ACRES BETWEEN NC 751 AND  
FAYETTEVILLE ROAD**

Case: P00-89

Applicant: R. L. Horvath (Chancellor's Ridge)

Location: 15.01 acre portion of 173 acres between NC 751 and  
Fayetteville Road (City Atlas Page 49, B-1)

Request: **Change in Development Plan** - PDR 2.65 (F/J-B) (Change  
Phase 4 from 76 multi-family units to 37 single-family lots)

Zoning Committee's Recommendation and Vote: Approval subject to  
amendments to the Development Plan (6 in favor and 1 against)

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Planning Department's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

**Proponent**

Mr. Ron L. Horvath, representing the applicant, spoke in support of this rezoning.

No one spoke in opposition to this rezoning.

Mayor Tennyson declared the public hearing closed.

**MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of PDR 2.65 and placing same in an establishing same as PDR 2.65 for a change in the Development Plan was approved at 7:51 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: ZONING CASE: P00-90 - SOUTHPOINT DEVELOPER, LLC - 38.49 ACRES ON RENAISSANCE PARKWAY, WEST OF THE MALL AT SOUTHPOINT**

Case: P00-90

Applicant: Southpoint Developer, LLC

Location: 38.49 acres on Renaissance Parkway, west of the Mall at Southpoint (City Atlas Page 49, B-4)

Request: **Change in Development Plan** - OI-2(D) (General Office and Institutional District with a Development Plan) (F/J-B and MTC)

Zoning Committee's Recommendation and Vote: Approval (7 - 0)

Planning Department's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

**Proponent**

Gregg Sandreuter, representing the applicant, spoke in support of this rezoning.

No one spoke in opposition to this rezoning.

Mayor Tennyson declared the public hearing closed.

Council Member McKissick expressed concern relative to the

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preliminary design and asked the developer if the preliminary design and elevations have been reviewed with those developing the mall properties or the properties that are contiguous to this area.

Gregg Sandreuter, representing the applicant, replied yes.

Council Member McKissick asked the developer if any concerns have been voiced relative to the design compatibility.

Gregg Sandreuter, representing the applicant, noted three weeks ago John Silverman had concerns with the color of the brick. He noted color elevations were sent to him and he hasn't received a response back from Mr. Silverman.

Council Member McKissick asked the developer if there would be any problems with delaying this item for one cycle.

Gregg Sandreuter, representing the applicant, noted that he would like to move forward.

Several Council Members spoke in support of moving this item forward.

**MOTION** by Council Member Larson seconded by Council Member Wagstaff to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of OI-2(D) and placing same in an establishing same as OI-2(D) for a change in the Development Plan was approved at 8:02 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, Stith and Wagstaff. Noes: Council Member McKissick. Absent: None.

**SUBJECT: ZONING CASE: P00-74 - CITY OF DURHAM - 678.8 ACRES  
SOUTHEAST OF SHERRON ROAD, BETWEEN US 70 AND HOLDER ROAD**

Case: P00-74 - Initial Zoning of Newly Annexed Territory

Initiated by: City of Durham

Location: 678.8 acres southeast of Sherron Road, between US 70 and Holder Road (City Atlas Pages 3, D-3 and 40)

Request: RD (Rural District) and R-20 (Residential 20) - Initial zoning of property newly annexed into the City. No change in zoning classification is requested--existing zoning is RD and R-20.

Zoning Committee's Recommendation and Vote: Approval (6 in favor and 1 against)

Planning Department's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no



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objections and/or allegations, the public hearing was declared closed.

Council Member Hill disclosed that he owns property in a partnership that adjoins this property.

**MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, to establish RD and R-20 City zoning for the above described newly annexed property was approved at 8:03 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**[OTHER MATTERS]**

**SUBJECT: APPEAL OF THE DECISION BY THE PASSENGER VEHICLE FOR HIRE COMMISSION REGARDING THE REVOCATION OF AN OPERATOR'S PERMIT - MR. MILFORD WILLIAMS**

To receive a status report from the Administration.

To hear an appeal by Mr. Milford Williams on the decision by the Passenger Vehicle for Hire Commission to revoke his Operator's Permit.

To conduct the appeal under Chapter 22, Section 22-79 (a) (2) of the Durham City Code).

Mr. Milford Williams was not present at the meeting.

**MOTION** by Council Member Larson seconded by Mayor Pro Tempore Clement to uphold the Passenger Vehicle for Hire's decision for revocation of permit for Mr. Milford William was approved at 8:03 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**[ITEMS PULLED FROM CONSENT AGENDA]**

**SUBJECT: OFFICIAL MINUTES AND GENERAL ACCOUNT OF CLOSED SESSIONS OF CITY COUNCIL**

To refer to the Council Personnel Committee [Tennyson, Clement, Larson and Jacobs] to review and approve the official minutes and general account of closed sessions of City Council.

Council Member Blyth spoke in opposition to the Council Personnel Committee approving the minutes of closed sessions.

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Mayor Tennyson deleted the words "and approve" from the motion.

**MOTION** by Council Member Larson seconded by Council Member Jacobs to refer to the Council Personnel Committee [Tennyson, Clement, Larson, and Jacobs] to review the official minutes and general account of closed sessions of City Council was approved at 8:05 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: STATUS REPORT ON APEX STREET BRIDGE**

Mayor Pro Tempore Clement raised an issue concerning the ingress/egress for emergency vehicles.

Katie Kalb, Public Works Director, noted that contact has been made with the Fire, Police, and School and they do not have a problem with closing the bridge because there are alternative ways of getting to citizens.

Mayor Pro Tempore Clement asked staff to inform citizens that a precautionary measure has been taken.

**MOTION** by Mayor Pro Tempore Clement seconded by Council Member Larson to receive a status report from the Administration concerning the Apex Street bridge; and

To direct the administration to not spend any money at this time on the Apex Street bridge and to post a sign [at the bridge] providing information on the current status and possible future actions regarding the bridge was approved at 8:08 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

At this time during the meeting, Katie Kalb, Public Works Director, commented on the "Don't Duck Your Duties" promotion.

Council Member Jacobs reminded her colleagues of the Public Works Committee Meeting on March 26, 2001 at 3:00 p.m. at the Durham Bulls Athletic Park.

Council Member Larson informed his colleagues of the Finance Committee Meeting on March 22, 2001 at 3:00 p.m. at the Fire Administration Building.

There being no further business to come before the City Council,

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the meeting was adjourned at 8:09 p.m.

Linda E. Bratcher  
Deputy City Clerk

D. Ann Gray, CMC  
City Clerk